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June 20, 2008

BY MESSENGER

Hon. Ronald L. Ellis
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Rothenberg et al. v. Daus, et al., No. 08-CV-00567 (SHS)

Dear Judge Ellis:

This office represents defendants in the above-captioned matter. I am writing in response to the June 18, 2008 letter from plaintiffs' counsel to the Court regarding delays in responding to discovery demands.

This office and our clients have been working diligently to collect and review documents responsive to plaintiffs' demands. They are voluminous and it was determined that producing them electronically—by scanning the documents into a program that could then be used for reviewing and redacting and for production in the form of images on a CD—would be most efficient. Plaintiffs' counsel is correct that, due to technical and other difficulties, no documents have been produced as yet. I apologize to the Court and counsel for that delay. However, I oppose the application for sanctions inasmuch as we have been collecting material and working with vendors and contractors to be able to produce responsive material during the past several weeks; the delay is attributable to technical difficulties and despite our best efforts, not because of any lack of vigilance. Moreover, approximately 1600 documents are being produced today.

On a separate matter, I request that the conference, now scheduled for Wednesday June 25th at 11:00 AM, be adjourned one or two days, to Thursday or Friday, June 26 or 27, because of a childcare conflict I have on June 25th. If those days are not available, I request that the conference be moved to 9:30 or 10:00 AM on Wednesday, June 25th. Plaintiffs' counsel does not object to my request but prefers that the delay be minimal.

*Conference adjourned to
June 26, 2008, at 10:00 am. in courtroom # 18D.*

SO ORDERED

Ronald L. Ellis 6-24-08
Magistrate Judge Ronald L. Ellis

Respectfully,

Amy J. Weinblatt
Amy J. Weinblatt (AW 0024)
Assistant Corporation Counsel

cc: Dan Ackman
Hon. Sidney H. Stein